

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

CIVIL NO. 5:98CV92

JAMES R. BARNES, and wife)
DOROTHY G. BARNES; GRADY H.)
BEARD, and wife SUZY M. BEARD;)
WAYNE BEHELER; JAMES L. COBB,)
and wife REBEKAH COBB;)
BARNEY MERRILL GRANT, and wife)
HAZEL GRANT; E. F. GREENE, JR.;)
BENJAMIN G. GROGAN, and wife)
HELEN D. GROGAN; JOEANN S.)
HANCOCK, Individually and as)
Representative of the Estate of)
Marion Hancock, Deceased; JERRY)
LEE HEWELL, and wife JANICE)
HEWELL; BETTY S. HONGISTO,)
Executrix of the Estate of Iver Oscar)
Hongisto, Deceased; VIRGINIA F.)
HORNE, Individually and as)
Executrix of the Estate of Jimmy R.)
Horne, Sr., Deceased; WILLIAM D.)
JOYCE, and wife PATSY F. JOYCE;)
ROBERT L. MAUNEY, and wife)
TERESA MAUNEY; ROGER D.)
PHILLIPS; GERALD W. RICHARDS,)
and wife SUSAN H. RICHARDS;)
LARRY K. BROOME, and wife,)
TREVA E. BROOME; ROGER D.)
CHURCH, and wife LORETTA H.)
CHURCH; SHARON C. COBB,)
Executrix of the Estate of Orvil L.)
Cupp, Deceased; ALTON L. HUGHES,)
and wife LENA M. HUGHES;)
CHARLES M. McGINNIS, and wife)
AVA P. McGINNIS; and CURTIS H.)
CUTHBERTSON, Administrator of the)
Estate of Hoy v. Cuthbertson,)
Deceased,)
)
Plaintiffs,)

Vs.

ORDER

A. W. CHESTERTON, INC.; CLEAVER)
 BROOKS; CROWN CORK & SEAL)
 COMPANY, INC.; GARLOCK, INC.;)
 GEORGIA-PACIFIC CORPORATION;)
 MINNESOTA MINING AND)
 MANUFACTURING COMPANY,)
 INC.; NORTH BROTHERS, INC.;)
 OWENS-ILLINOIS, INC.; RAPID)
 AMERICAN CORPORATION; and)
 RILEY STOKER CORPORATION,)
 Defendants.)

THIS MATTER is before the Court on the joint motion of Defendant Georgia-Pacific and Plaintiffs Betty S. Hongisto, individually and as Representative of the Estate of Iver Oscar Hongisto, deceased, and Alton L. Hughes and wife Lena M. Hughes, to voluntarily dismiss their claims with prejudice as to Defendant Georgia-Pacific Corporation, and the joint motion of Georgia-Pacific and the remaining Plaintiffs to voluntarily dismiss their claims without prejudice as to Defendant Georgia-Pacific Corporation. Plaintiffs and Georgia-Pacific are requesting the dismissals pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.

Having considered the motions of Plaintiffs and Georgia-Pacific,

IT IS, THEREFORE, ORDERED that the joint motions to dismiss are **ALLOWED**, and the claims of Plaintiffs Betty S. Hongisto, individually and as Representative of the Estate of Iver Oscar Hongisto, deceased, and Alton L. Hughes and wife Lena M. Hughes, against Defendant Georgia-Pacific Corporation be, and the same hereby are, **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the claims of Plaintiffs James R. Barnes and wife

Dorothy G. Barnes, Grady H. Beard and wife Suzy M. Beard, Wayne Beheler, James L. Cobb and wife Rebekah Cobb, Barney Merrill Grant and wife Hazel Grant, E. F. Greene, Jr., Benjamin G. Grogan and wife Helen D. Grogan, Joeann S. Hancock, individually and as Representative of the Estate of Marion Hancock, deceased, Jerry L. Hewell and wife Janice Hewell, Virginia F. Horne, individually and as Representative of the Estate of Jimmy R. Horne, deceased, William D. Joyce and wife Patsy F. Joyce, Robert L. Mauney and wife Teresa Mauney, Roger D. Phillips, Gerald W. Richards and wife Susan H. Richards, Larry K. Broome and wife Treva E. Broome, Roger D. Church and wife, Loretta H. Church, Sharon C. Cobb, Executrix of the Estate of Orvil L. Cupp, deceased, Charles M. McGinnis and wife Ava P. McGinnis, and Curtis H. Cuthbertson, Administrator of the Estate of Hoy V. Cuthbertson, deceased, against Defendant Georgia-Pacific Corporation be, and the same hereby are, **DISMISSED WITHOUT PREJUDICE.**

Signed: February 13, 2007



Lacy H. Thornburg
United States District Judge

